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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 TRAVIS NUTSCH, an individual,

15 Plaintiff,

16 vs.

17 LAS VEGAS METROPOLITAN POLICE
18 DEPARTMENT, a Municipal Corporation;
19 OFFICER TIMOTHY NYE, an individual;
20 OFFICER GEORGE AJAM, an individual;
21 OFFICER GENE WOLFANGER, an
22 individual; OFFICER KELLEY FURNAS,
23 an individual; OFFICER ISRAEL CRUZ
24 CAMACHO, an individual; OFFICER
25 GABRIEL LEA, an individual; DOE
26 OFFICERS III-VII, individuals

27 Defendants.

28 **Case No.: 2:23-cv-01101-JCM-VCF**

29
30 **STIPULATION AND ORDER TO**
31 **EXTEND DISCOVERY PLAN AND**
32 **SCHEDULING ORDER DEADLINES**

33
34 **(FIRST REQUEST)**

35 Plaintiff Travis Nutsch, by and through his respective counsel, and Defendants Las
36 Vegas Metropolitan Police Department, Officer Timothy Nye, Officer George Ajam, and
37 Officer Gene Wolfanger, Officer Kelly Furnas, Officer Isrrael Cruz Camacho, and Officer
38 Gabriel Lea, (“LVMPD Defendants”), by and through their respective counsel (collectively
39 “the Parties”), hereby stipulate and agree to extend the Discovery Plan and Scheduling Order
40 deadlines an additional sixty (60) days. This Stipulation is being entered in good faith and
41 not for purposes of delay. This is the first request for an extension in this matter.

1. **STATUS OF DISCOVERY.**

2. **A. PLAINTIFF'S DISCOVERY**

3. 1. Plaintiff's Initial Disclosures and Production of Documents Pursuant to Fed.
4. R. Civ. P. 26.1, dated August 28, 2023.

5. 2. Plaintiff's First Set of Requests for Production to Defendant Las Vegas
6. Metropolitan Police Department, dated October 12, 2023.

7. **B. DEFENDANTS' DISCOVERY**

8. 1. Defendants' Initial List of Witnesses and Documents Pursuant to Fed. R.
9. Civ. P. 26.1 dated August 30, 2023,

10. **2. DISCOVERY THAT REMAINS TO BE COMPLETED.**

11. The Parties are actively conducting discovery.

12. Plaintiffs need additional time to receive and review documents produced by
13. Defendants; Defendants have requested a two-week extension of the November 14, 2023,
14. deadline.

15. The Parties' primary remaining discovery tasks include: (1) addressing any
16. remaining meet and confer issues and finishing written discovery; (3) scheduling of
17. depositions; and (3) expert discovery. Further, the Parties intend to save resources by having
18. any expert disclosures follow the completion of fact discovery, to avoid the time and expense
19. related to supplementing reports.

20. **3. SPECIFIC DESCRIPTION OF WHY EXTENSION IS NECESSARY.**

21. This is the first request for an extension of discovery deadlines in this matter. The
22. Parties request that the Discovery Plan and Scheduling Order deadlines be extended an
23. additional sixty (60) days so that the Parties may complete the tasks above.

24. The Parties acknowledge that, pursuant to Local Rule 26-3, a stipulation to extend
25. a deadline set forth in a discovery plan must be submitted to the Court no later than twenty-
26. one (21) days before the expiration of the subject deadline, and that a request made within
27. twenty-one (21) days must be supported by a showing of good cause. Here, almost all of the
28. deadlines the Parties seek to extend are outside of the twenty-one (21) day window, the

1 deadline for initial expert disclosures, however, is within the twenty-one (21) day window.
 2 Thus, the Parties must establish that good cause exists to extend these deadlines. Pursuant to
 3 Local Rule 26-3, the Parties submit that good cause exists for the extension requested.

4 The Parties have been diligently conducting discovery, but an extension is needed
 5 to efficiently continue to conduct discovery, analyze the information provided, and manage
 6 the case. The Parties are resolving issues and meeting and conferring regarding related issues.

7 Finally, the Parties together request this in good faith and to further the resolution
 8 of this complicated case on the merits, and not for any purpose of delay.

9 There is thus good cause for the extension. “Good cause to extend a discovery
 10 deadline exists ‘if it cannot reasonably be met despite the diligence of the party seeking the
 11 extension.’” *Derosa v. Blood Sys., Inc.*, No. 2:13-cv-0137-JCM-NJK, 2013 U.S. Dist. LEXIS
 12 108235, 2013 WL 3975764, at 1 (D. Nev. Aug. 1, 2013) (quoting *Johnson v. Mammoth*
 13 *Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)); *see also* Fed. R. Civ. P. 1 (providing
 14 that the Rules of Civil Procedure “should be construed, administered, and employed by the
 15 court and the Parties to secure the just, speedy, and inexpensive determination of every action
 16 and proceeding”). The Parties have been diligent in litigating this matter. Thus, the standard
 17 to extend all deadlines is satisfied here.

18 Based on the foregoing stipulation and proposed deadlines plan, the Parties thus
 19 respectfully request an extension of time to extend the discovery in this matter to enable to
 20 them to conduct necessary discovery in this matter and so that this matter is fairly resolved
 21 on the merits.

22 **4. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING**
 23 **DEADLINES**

25 Deadline	26 Current Deadline	27 Proposed New Deadline
28 Amend Pleadings and Add Parties	Past	unchanged
Initial Expert Disclosures	November 13, 2013	January 12, 2023 4

1	Rebuttal Expert Disclosures	December 11, 2023	February 9, 2024
2	Discovery Cut-Off	January 10, 2024	March 11, 2024¹
3	Dispositive Motions	February 9, 2024	April 9, 2024
4	Joint Pretrial Order	March 11, 2024	April 10, 2024 (If dispositive motions are filed, the deadline shall be suspended until thirty (30) days after the decision of the dispositive motions or further order of the Court.)

9 Based on the foregoing stipulation and proposed deadlines plan, the Parties request
 10 that the Discovery Plan and Scheduling Order deadlines be extended an additional sixty (60)
 11 days so that the parties may conduct necessary discovery.

¹ Sixty (60) days from January 10, 2024, is Sunday, February 10, 2024

1 **IT IS SO STIPULATED.**

2 DATED this 13th day of November, 2023.

3 **MCLETCHIE LAW**

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DATED this 13th day of November, 2023.

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12 **ORDER**

13 **IT IS SO ORDERED.**



14
15 U.S. ~~DISTRICT~~ MAGISTRATE JUDGE

16
17 Dated this 14th day of November 2023.